

Board of Selectmen's Meeting Minutes
October 4, 2007
Harpswell Town Office
Approved on October 18, 2007

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Selectmen Present: Amy N. Haible, James S. Henderson and Chairman Samuel W. Alexander

Staff Present: Kristi Eiane, Town Administrator; Tracey Thibault, Code Enforcement Officer and Interim Town Planner; and Jim Gordon, Recycling Center/Transfer Station Manager

Call to Order and Pledge of Allegiance: The meeting was called to order by Chairman Alexander at 6:30 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Alexander moved, seconded by Selectman Haible to remove item 10 (Consider RFP for Brush Truck) from the agenda; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Haible to adopt the agenda as amended; motion passed 3-0.

2. Town Administrator's Report: Administrator Eiane reminded the Board that the available Town Planner position is being advertised in multiple locations and to date; only two applications, aside from the Interim Town Planner, have been received. Administrator Eiane announced that the Town will hold a Flu Clinic on November 1 from 9 a.m. to 12 p.m. at the Town Office. Administrator Eiane reported that there will be a municipal ballot on November 6, containing two items (Mitchell Field Master Plan and an appropriation for the Maine Department of Transportation to perform preliminary work on the Cribstone Bridge to allow for the future relocation of the utilities).

3. Selectmen's Announcements: Chairman Alexander announced the Board of Selectmen is still negotiating with Washburn & Doughty and that the Board sent Mr. Doughty a letter requesting a response by the end of October. Chairman Alexander stated Mr. Washburn's last communication indicated he was still interested in Mitchell Field. Chairman Alexander explained the Mitchell Field Master Plan is a conceptual plan and a separate item from the Washburn and Doughty negotiations. Chairman Alexander encouraged the public to support the Mitchell Field Master Plan. Selectman Haible stated she attended the Mt. Ararat High School talent show and it was a great time. Selectman Henderson provided an update on the Reorganization Planning Committee, the group working with the Town of Lisbon regarding possible school consolidation. Selectman Henderson stated that he (Municipal Representative), Joanne Rogers (School Board Member) and Ellie Multor (At-large member) are the Committee members from Harpswell and additionally, Ms. Rogers and Ms. Multor are chairing sub-committees. Selectman Henderson will provide further updates on the Committee's and Sub-Committees' progress as appropriate.

4. Household Hazardous Waste Collection Day October 27, 2007: Administrator Eiane announced that the public may take household hazardous waste to the Brunswick Public Works on Saturday, October 27. Pre-registration is required. Jim Gordon, Recycling Center/Transfer Station Manager, stated that multiple towns participate in this event which occurs twice a year, (April and October). It has been advertised in the paper multiple times and notices are posted, including on the Town's website. Mr. Gordon explained what types of items are considered household hazardous waste and noted that there is no disposal charge to the public.

5. Solid Waste Disposal Waiver Request From M.S.A.D. #75: Chairman Alexander explained that SAD 75 disposed of brush items resulting from grounds maintenance at Harpswell Islands School and is requesting to have the charges waived. The Board discussed the issue and agreed to invoice the school for the charges.

6. Mitchell Field Update: Selectman Haible announced the Mitchell Field Committee has prepared an introduction sheet to the Mitchell Field Master Plan. The Mitchell Field Committee will hold a walk and talk at

Mitchell Field on October 20 from 10 am to 12 noon. Selectman Haible encouraged the public to attend and see the proposed zones of the Mitchell Field Master Plan staked out on site. Selectman Haible explained that there is not a proposed budget attached to the Master Plan and that any proposed costs will need to get Town Meeting approval in the future.

7. Conservation Commission/Open Space Plan Update: Tracey Thibault, Interim Town Planner, reported that the Commission is actively working with the Consultant on the Plan.

8. Discussion of Sign Ordinance Meeting: Chairman Alexander reported that there was a meeting on October 24 with many business owners regarding the Sign Ordinance and regulations. Chairman Alexander read the recommendation from the Town Administrator to have the Codes Office send a letter to all businesses in Town informing them of the regulations and to work with the owners to assist in compliance and then only as a last resort, send violation letters. Mr. Verplanck, of the Black Sheep Wine Shop, stated that the rules are creating a hardship for their business and in lieu of another solution, they will need to have a much larger sign. Mr. Verplanck suggested a moratorium on sign enforcement is the way to proceed until a solution can be reached that helps the local businesses. Glen Gott expressed his concerns about the Sign Ordinance being structured against businesses and that it's an important issue that needs to be addressed and suggested the signs be grandfathered. Hank Henning questioned why after so many years is the Sign Ordinance being enforced and suggested that it should not be enforced. Jim Townsend spoke against the Town accepting anonymous complaints. Linda Datavs, of the Harpswell Flower Shop, stated that all existing signs should be grandfathered. Selectman Haible explained that signs are regulated differently in Brunswick as they have urban compact zones and Harpswell does not. Jennifer Laskey questioned if the Town's ordinance could be amended to eliminate the setback distance and leave it to DOT to enforce. Chairman Alexander stated that the Codes Office has a responsibility to enforce local ordinances. Richard Mosley spoke against the 33' setback for signs, noted that mailboxes are allowed within the right-of-way and close to the road and expressed how important signs are for the general public. Andy Paulhus stated, that in his opinion, the Town arbitrarily took DOT's required setback of 33' on highways and applied it to all roads and spoke in opposition to the Sign Ordinance. Selectman Henderson explained that the State law regulating signs requires a 33-foot setback on all public ways, not just highways. Selectman Henderson suggested the way to proceed is to change State law and in the meantime to continue enforcing the laws. Selectman Henderson stated that some signs (in existence over 40 years) are grandfathered and stated that it would be difficult for the Town to not accept anonymous complaints. Selectman Haible stated that the Sign Ordinance has not been enforced for a long time and she believes it should not be now. Selectman Haible suggested creating a Sign Task Force to research what other towns are doing and to work with on the issues at hand. Chairman Alexander stated that the public concerned about these issues should petition the Board of Selectmen for a warrant article to repeal the Sign Ordinance. Selectman Haible moved to adopt the Town Administrator recommendations and offer the task force idea to work on the issues, seconded by Selectman Henderson. Selectman Henderson questioned whether the motion intended to support enforcement of the Sign Ordinance. Selectman Henderson withdrew his second to Selectman Haible's motion. Selectman Haible amended her motion to suspend enforcement of the Sign Ordinance until the Task Force provides their recommendation to the Board and it was seconded by Chairman Alexander. The motion carried 2-1 with Selectman Henderson opposed. Selectman Haible moved to allow owners of business who have had to move their signs to be allowed to put the signs back in their original location until the task force completes its work, seconded by Selectman Henderson. Chairman Alexander commented that the motion may not be legal. Selectman Henderson commented that there should be a completion date assigned to the Task Force. Selectman Henderson withdrew his second to Selectman Haible's motion. Selectman Haible amended her motion by adding at the end 'which should be in time to make recommendations to the Board of Selectmen in time to meet all statutory requirements to place an article on the March Town meeting'. Selectman Henderson seconded the motion for purposes of discussion. Selectman Henderson questioned the legality of the motion that carried and the current motion. Selectman Henderson withdrew his second to Selectman Haible's

amended motion. Ms. Datavs questioned whether the Sign Ordinance will be applied consistently with all signs including political. Selectman Henderson responded that State law allows certain signs such as political within the right-of-way.

9. Update from Harpswell Historical Society Re: Town's 250th Celebration: David Hackett, President of the Harpswell Historical Society, reported that it will be 250 years in 2008 since the Town's Incorporation on January 29, 1758. Mr. Hackett detailed several events planned for the 2008 celebration. Mr. Hackett encouraged the public from all corners of the Town to participate in the planning for this celebration and attend the scheduled meetings.

10. Consider RFP for Brush Truck: Deleted from the agenda.

11. Set Date and Time for Public Hearing on November Ballot Items: Selectman Haible moved, seconded by Chairman Alexander to set October 23, 2007 at 7:00 pm at Harpswell Islands School as the hearing date for the November ballot items (Mitchell Field Master Plan and Cribstone Bridge utility work); motion passed 3-0.

12. Consider FB Environmental Contract Amendment: Administrator Eiane explained that the Conservation Commission has been working with FB Environmental on the Open Space Plan and the schedule needs to be extended to a later date (in November). Selectman Haible moved, seconded by Chairman Alexander to amend the contract between the Town of Harpswell and FB Environmental as outlined in the new contract; motion passed 3-0.

13. Set Date and Time for Public Hearing for General Assistance Ordinance Maximums: Selectman Haible moved, seconded by Chairman Alexander to set October 18 at 7:00 p.m. as the public hearing for general assistance ordinance maximums; motion passed 3-0.

14. Consider Submission for Right-of-Way Discovery Grant: Administrator Eiane explained the Town received this grant in 2007 for \$2,500 and has been working on Tide Mill Cove Landing to mark its boundaries ensuring no further encroachments. Staff would like to apply for this grant again this year to assure completion of the Tide Mill Cove Landing project and then depending on funding, research the Orr's Island Bridge property and then the Town property on Hildreth Road. Chairman Alexander moved, seconded by Selectman Haible to endorse the Right-of-Way Discovery grant as outlined by the Town Administrator; motion passed 3-0.

15. Review Contract for Salary Survey Consultant: Selectman Haible moved, seconded by Selectman Henderson to approve the contract between Michael C. Wing and the Town; motion passed 2-0 (Chairman Alexander abstained).

16. 2008 Budget Process: Administrator Eiane reviewed the budget process which begins in October with the Budget Advisory Committee for presentation to the Board of Selectmen in January 2008. Administrator Eiane reviewed the 2008 LD 1 levy limit of \$2,020,125.

17. Committees:

- Resignation: Marine Resources: Chairman Alexander moved, seconded by Selectman Haible to accept Walter Ward's resignation from the Marine Resources Committee; motion passed 3-0.
- Appointment: Marine Warden: Chairman Alexander moved, seconded by Selectman Henderson to appoint Samuel Cofone as a Town Shellfish Warden; motion passed 3-0.

18. Approval of the Minutes: Chairman Alexander moved, seconded by Selectman Henderson to approve the minutes of September 6, September 18 and September 20 (as amended); motion passed 3-0.

19. Authorization of the Warrant: Administrator Eiane recommended approval of warrants 52, 52A and 53 and payroll warrant 44. Selectman Haible moved, seconded by Chairman Alexander to approve warrants 52, 52A and 53 in the amounts of \$721,940.94, \$-98.00 and \$5,466.26 respectively; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Haible to approve payroll warrant 44 in the amount of \$14,761.99; motion passed 3-0.

20. Public Comment: Glen Gott requested a copy of the Mitchell Field Master Plan. Andy Paulhus requested an update on the new communications tower. Administrator Eiane responded that the tower builder is working with the FAA to resolve whether a 300-foot tower will be permissible.

21. Adjournment: The meeting was adjourned by unanimous vote at 8:25 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer